

On April 16, 1914, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 28, 1914.*

3420. Adulteration and misbranding of cream. U. S. v. Henry Klocke. Plea of guilty. Fine, \$20 and costs. (F. & D. No. 4752. I. S. Nos. 36896-e, 37951-e.)

On December 3, 1913, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry Klocke, Ewing, Mo., alleging shipment by said defendant in violation of the Food and Drugs Act on July 24, 1912, from the State of Missouri into the State of Illinois, of a quantity of cream, contained in cans, which was adulterated and misbranded. One of the 8-gallon cans was labeled: "Henry Klocke, Ewing Mo.—William Mast, Ice Cream, Milk and Cream. 422 S. Eighth St., Quincy, Ill."; "Klocke, Ewing, 18." One of the 10-gallon cans was labeled: "Henry Klocke, Ewing, Mo. William Mast, Ice Cream, Milk and Cream. 422 S. Eighth St., Quincy, Ill."; "Klocke, Ewing, Mo."

Analysis of a sample of the product from one of these cans by the Bureau of Chemistry of this department showed the following results:

Fat by Röse-Gottlieb (per cent)-----	15.09
Fat by Babcock (per cent)-----	16.5
Specific gravity at 58° F-----	1.021
Formaldehyde: Negative.	
Color: Negative.	

Analysis of a sample from the other of the cans by said bureau showed the following results:

Fat by Röse-Gottlieb (per cent)-----	16.4
Fat by Babcock (per cent)-----	17.0
Specific gravity at 58° F-----	1.019
Formaldehyde: Negative.	
Color: Negative.	

Adulteration of the product was alleged in the information for the reason that said product was sold by the defendant under a contract with the purchaser as 20 per cent cream, and that cream, as the same is known and understood in the trade and by persons dealing in and using the same, contains not less than 18 per cent of milk fat, and said product was adulterated in that milk containing approximately 16 per cent of butter fat, and a materially less quantity than 18 per cent, had been substituted wholly or in large part for the cream which said article purported to be. Misbranding was alleged for the reason that the product was sold by the defendant as 20 per cent cream, and that cream, as the same is known and understood in the trade and by persons dealing in and using the same, contains not less than 18 per cent of milk fat, and said product was misbranded in that, when so shipped, it was a milk containing approximately 16 per cent of butter fat, and a materially less quantity than 18 per cent of butter fat, and was offered for sale and sold under the distinctive name of another article, to wit, cream, whereas said product was not cream and was not entitled to be called or offered for sale as cream.

On May 25, 1914, the defendant entered a plea of guilty to the information and the court imposed a fine of \$20 and costs.

D. F. HOUSTON, *Secretary of Agriculture.*

WASHINGTON, D. C., *September 24, 1914.*